

Notice of Allowability

Application No.

10/688,535

Examiner

Allyson N. Trail

Applicant(s)

POWELL ET AL.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 3/9/2007.
2. ☒ The allowed claim(s) is/are 1-11 and 13-23.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Amendment

1. Receipt is acknowledged of the Amendment filed March 9, 2007.

Examiner's Amendment

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Lori Gordon on May 29, 2007.

In the Claims:

Re claim 1 has been amended.

Delete on lines 16-17: "wherein the confirmed read flag retains its value upon removal from and re-entry into the field of interrogation."

Add on lines 16-17: --wherein the value of the confirmed read flag is retained upon removal from and re-entry into the field of interrogation.--

Re claim 13 has been amended.

Delete on lines 13-14: "wherein the confirmed read flag retains its value upon removal from and re-entry into the field of interrogation."

Add on lines 13-14: --wherein the value of the confirmed read flag is retained upon removal from and re-entry into the field of interrogation--.

Re claim 16 has been amended.

Delete on lines 3-4: "wherein the confirmed read flag retains its value upon removal from and re-entry into the field of interrogation."

Add on lines 3-4 after "recently read,": --wherein the value of the confirmed read flag is retained upon removal from and re-entry into the field of interrogation--.

Re claim 22 has been amended.

Delete on lines 14-15: "wherein the confirmed read flag retains its value upon removal from and re-entry into the field of interrogation."

Add on lines 14-15: --wherein the value of the confirmed read flag is retained upon removal from and re-entry into the field of interrogation--.

Remarks

2. The examiner's amendment above does not change the scope of the claims. The amendment was made in order to replace the word "it", which would be objected to as claim language.

Allowable Subject Matter

3. Claims 1-11 and 13-23 are allowable over prior art.

The following is an examiner's for allowance: Prior art has teachings of methods for minimizing unintended re-negotiation of the radio frequency identification (RFID) tag devices, wherein the tag devices are capable of indicating whether the tags have been previously read. The prior art methods of record include the tags being either in an activated or deactivated state and changing the state from activated to deactivated when the tags have been read by an interrogator. All of the teachings in prior art

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however, specify that the tags always enter an interrogation field in an active state.

With this teaching is it clear that if a tag is switched to a deactivated state (when it is read by an interrogator) and then is removed and re-entered into an interrogation field, the tag's state will change back from deactivated to activated. Therefore, the added limitation of "the value of the confirmed read flag is retained upon removal from and re-entry into the field of interrogation" is not met in the prior art teachings. Prior art teachings make clear that the value of the tag is reset upon removal from and re-entry to an interrogation field therefore one of ordinary skill in the art would not have been motivated to come to the claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Black et al (6,265,962).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allyson N. Trail whose telephone number is (571) 272-2406. The examiner can normally be reached between the hours of 7:30AM to 4:00PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571) 272-2398. The fax phone number for this Group is (703) 872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to **[allyson.trail@uspto.gov]**.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

aj

Allyson N. Trail
Patent Examiner
Art Unit 2876
May 29, 2007

A handwritten signature in black ink, appearing to read 'D. Hess', with a long horizontal line extending to the right.

DANIEL HESS
PRIMARY PATENT EXAMINER